



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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Washington, D.C. 20231

08/482,402

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|--------------------|-------------|-----------------------|------------------|
| 08/482,402 | 06/07/95 | RAPOPORT | B 102105119101 |

18M1/0610

HENRY N WIXON
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THE WILLARD OFFICE BUILDING
1455 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

EXAMINER DW 3

LINGER, S.

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 1806 | 6 |

DATE MAILED: 06/19/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on Amendment filed June 7, 1995
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 30 days month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 11-15 + 37 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claim(s) 11-15 + 37 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

-SEE OFFICE ACTION ON THE FOLLOWING PAGES-

received
6-12-97

181

A response to Rest. Req. Due:
10 July 97
1st EXT: 10 Aug 97
2nd EXT: 10 Sept 97
3rd EXT: 10 Oct 97
BAR Date: 10 Nov 97

Art Unit: 1806

1. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

Group I. Claims 11-15 are drawn to a recombinant DNA sequence encoding human thyroid peroxidase which is secreted from a cell and a vector comprising the DNA sequence classified in Class 536, subclass 23.1 and Class 435 subclass 320.1.

Group II. Claim 37 is drawn to a DNA sequence encoding a peptide which binds to the B-cell epitope of thyroid peroxidase, classified in Class 536, subclass 23.1.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II as disclosed are chemically distinct, unrelated in structure and function, used in different methods and are therefore distinct inventions.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
4. A telephone call was made to Henry Wixon (202)-942-8392, on May 28, 1997 to request an oral election to the above restriction requirement, but did not result in an election being made.
5. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Ungar, PhD whose telephone

Serial Number: 08/482,402

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Art Unit: 1806


number is (703) 308-305-2181.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lila Feisee, can be reached at (703) 308-2731. The fax phone number for this Art Unit is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Susan Ungar

June 2, 1997



LILA FEISEE
SUPERVISORY PATENT EXAMINER
GROUP 1809

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C O U N S E L L O R S A T L A W

THE WILLARD OFFICE BUILDING
1455 PENNSYLVANIA AVENUE, N.W., WASHINGTON, DC 20004
202-942-8400 • FAX 202-942-8484

7 June 1995

The Honorable Commissioner of Patents
and Trademarks
Box PATENT APPLICATION
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. TBA;
Filed: Herewith
Applicant: Basil RAPOPORT
Entitled: Disease Associated Human Autoantibodies
Specific For Human Thyroid Peroxidase
Attorney's Docket No. 102105.151CIP3-DIV3

Sir:

Enclosed herewith for appropriate action by the United States
Patent and Trademark Office are the following documents:

1. New United States Patent Application
Entitled: **Disease Associated Human Autoantibodies
Specific For Human Thyroid Peroxidase**
(a Divisional of USSN 08/196,082; Filed: 3 March 1994)

and naming as inventor:

Basil RAPOPORT

the application comprising:

149 pages of Specification;
7 pages of Claims;
1 page of Abstract; and
53 pages of Informal Drawings;
2. Preliminary Amendment; and
3. A self-addressed Postcard to be returned to the
undersigned with an unofficial serial number for this application.

WASHINGTON, DC

BOSTON, MA

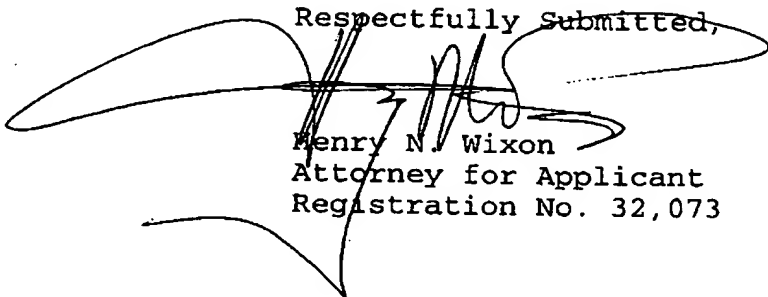
MANCHESTER, NH

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Honorable Commiss)er of
Patents and Trademarks
7 June 1995
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This patent application is being submitted under 37 CFR
§ 1.53 (d), without Declaration and without filing fee.

Respectfully Submitted,



Henry N. Wixon
Attorney for Applicant
Registration No. 32,073

Enclosures